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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHANE SIPE, an individual,

Plaintiff,

v.

MUSIC TRIBE COMMERCIAL NV INC.;
DOES I through X, inclusive; ROE
CORPORATIONS I through X, inclusive,

Defendant.

Case No.: 2:20-cv-00299-JCM-BNW

**PLAINTIFF’S MOTION FOR A FINAL
EXTENSION OF TIME TO FILE HIS
OPPOSITION TO DEFENDANT’S
MOTION FOR SUMMARY
JUDGMENT**

(Fourth Request)

Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Rules IA 6.1, 6.2, Plaintiff Shane Sipe, by and through his counsel, Amanda L. Ireland, Esq. of Ireland Law Group, LLC, respectfully requests the Court Grant Plaintiff’s motion for a final extension of time to file his Opposition to Defendant’s Motion for Summary Judgment until today, February 15, 2021. This fourth and final request for extension is submitted contemporaneously with the Opposition brief in an abundance of caution, since no further time is sought at the time of filing, however, the previous Stipulation and Order (ECF No. 35.) extending the deadline for Plaintiff’s Opposition until February 12, 2021, expired before it was possible to file Plaintiff’s Opposition brief, due to unavoidable constraints and circumstances.

Defendant’s Motion was filed on December 17, 2020 (ECF No. 24) and an opposition was originally due on January 7, 2021. Due to the holiday season and COVID-19 office closures the parties stipulated to an initial extension on December 22, 2020 (ECF No. 25), granted on December 28, 2020, (ECF No. 26), extending the deadline eight days until January 15, 2021.

On January 4, 2021, prior counsel filed a Motion to Withdraw, which was granted by minute order on January 11, 2021. (ECF No. 29.) A status check regarding Plaintiff's intent to retain new counsel was set for January 14, 2021. Before appearing at the status check, Plaintiff retained undersigned counsel January 12, 2021, and her appearance was noticed the same day (ECF No. 31). Plaintiff immediately moved for a two-week extension until January 29, 2021 to allow new counsel time to review the entire case file before responding to the dispositive motion. (ECF No. 32). Plaintiff's January 13th motion for an extension was granted on January 22, 2021. (ECF No. 34). The parties subsequently filed a Stipulation and Proposed Order to extend the deadline to respond until February 12, 2021 (ECF No. 35) which was granted February 4, 2021. This is Plaintiff's fourth request for an extension of time to file his opposition to Defendant's Motion for Summary Judgment. Plaintiff relies on the memorandum of points and authorities set forth below in support of his request.

MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Civil Procedure 6(b)(1) provides that "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect. It is within a trial court's sound discretion to determine whether to grant an extension of time. Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258 (9th Cir. 2012).

This fourth and final request for an extension is made three days after expiry of the current deadline to respond to the motion for summary judgment, therefore something more than "good cause" must be shown. Here, Plaintiff's neglect in seeking a final request is excusable under the circumstances of Plaintiff's need to change counsel at the 11th hour, due to a conflict of interest that emerged after the close of discovery and filing of Defendant's motion for summary judgment. The ability of new counsel to fully apprehend and appreciate the implications raised by the totality of the evidence, and adequately address the substantive issues in such a short time frame was severely constrained and additional delay was unavoidable.

1 Since Plaintiff's claims for relief are asserted under remedial federal and state wage and
2 hour statutes, as well as the common law, allowing Plaintiff additional time to reconsider his
3 litigation strategy following the unexpected need to change counsel comports with traditional
4 notions of justice and fairness.

5 Plaintiff acknowledges the inconvenience to Defendant caused by the modest delay in
6 these proceedings. Thus, in his opposition to summary judgment, Plaintiff presents admissible
7 evidence and affidavits in defense of his individual claims, but also narrows the issues for trial
8 by conceding his proposed collective and class actions.

9 Under the circumstances, a final three-day extension over a long public holiday weekend
10 is reasonable. Defendant Music Tribe, a multinational corporation, will not be prejudiced by the
11 granting of this motion. But denial of the motion would cause extreme prejudice to Plaintiff.

12 Based on the foregoing, Plaintiff respectfully requests the Court grant him an extension
13 until February 15, 2021, to file his response to Defendant's motion for summary judgment.

14 DATED this 15th day of February 2021. IRELAND LAW GROUP, LLC

15 /s/ Amanda L. Ireland

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22 **IT IS SO ORDERED:**

23 **Plaintiff's motion for a final extension of time to file his**
24 **Opposition to Defendant's Motion for Summary**
25 **Judgment until February 15, 2021 is hereby granted.**

26 
27 **UNITED STATES DISTRICT JUDGE**

28 **Dated:** February 17, 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of February 2021, I served **PLAINTIFF'S MOTION FOR A FINAL EXTENSION OF TIME TO FILE HIS OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Fourth Request)** via Electronic Filing/Service Notification through CM/ECF to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTIES
Mark H. Hutchings, Esq. HUTCHINGS LAW GROUP, LLC 552 E. Charleston Blvd. Las Vegas, Nevada 89104 MHutchings@HutchingsLawGroup.com	Tel: (702) 660-7700 Fax: (702) 552-5202	Plaintiff, Counter-Claimant <i>Music Tribe</i> <i>Commercial NV Inc.</i>

/s/ Anya Karakozov

An employee of IRELAND LAW GROUP